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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 1980 of 1997

Between:

M/s Balaji plastics pvt. Ltd., rep by its Chairman P. Narsimha Rao,
S/o P. Shobanachalam, R/o 8-3-319/16, Ellareddyguda,

Hyderabad

..... PETITIONER

AND

1. Union of India, rep. By its Secretary, Law Ministry
   New Delhi .
2. Andhra Bank rep by its Sanathnagar Branch

Manager, Sanathnagar, Hyderabad .
3. Chairman Debts Recovery Tribunal. Bangalore .

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or a direction or a writ of mandamus declaring the "Recovery of Debts Due to Banks and Financial Institutions Act 51 of 1993 as arbritary illegal and unconstitutional and consequently issue further orders declaring that O.A. No. 32 filed by the 2nd respondent on the file of 3rd respondent Tribunal as null and void.

Counsel for the Petitioner: MR.Y.VISWESWARA RAO

Counsel for the Respondents : MR.K.SRINIVASAMURTHY

The Court made the following :

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ORDER :

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The Constitutional validity of Recovery of Debts Due to the Banks and Financial Institutions Act 51 of 1993 had been questioned in the present Writ Petition.

In the light of the views expressed by the Apex Court in “Union of India and another v. Delhi High Court Bar Association and others” upholding the constitutional validity of the said Act, the said question need not be further considered in the light of the decision of the Apex Court.

Accordingly, the Writ Petition shall stand dismissed. No costs.

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P.S.NARAYANA,J

Dvs

Dated 26th November, 2004

1. Secretary, Union of India, Law Ministry
New Delhi .
2. Branch Manager, Andhra Bank, Sanathnagar, Hyderabad .
3. Chairman Debts Recovery Tribunal. Bangalore .

4. Two CD copies.

THE HONOURABLE SRI JUSTICE P.S.NARAYANA.

W.P.No.1980 of 1997

Dated 26th November, 2004